

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	12-06012-01-CR-SJ-GAF
)	
JEFFREY RAY PENDLETON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 21, 2014. Defendant Jeffrey Pendleton appeared in person and with appointed counsel David Kelly. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

I. BACKGROUND

On August 8, 2012, an indictment was returned charging defendant with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846, and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is J. D. Roberts, Buchanan County Strike Force Investigator.

Mr. Kelly announced that he will be the trial counsel for defendant Jeffrey Pendleton. Either Tyler Jansen or Mr. Reed will assist.

III. OUTSTANDING MOTIONS

There is one pending motion, a motion for writ of habeas corpus ad testificandum, filed by the government on September 30, 2013 (document number 49).

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call 18 witnesses without stipulations or 17 witnesses with stipulations during the trial.

Mr. Kelly announced that defendant Jeffrey Pendleton intends to call 2 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately 8 exhibits in evidence during the trial.

Mr. Kelly announced that defendant Jeffrey Pendleton will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Kelly announced that defendant Jeffrey Pendleton will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Kelly stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to criminal records.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 to 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 27, 2012, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by December 3, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, December 3, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, December 3, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed: (1) 404(b) evidence, (2) § 851 prior conviction used for enhancement. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 8, 2014.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 21, 2014

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, December 5, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.